

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

SUSAN SMALL,)	
)	
Plaintiff,)	
v.)	
)	Case No.: 3: 05-CV-142
FOOD LION, LLC,)	
)	
Defendant.)	
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CONSENT PROTECTIVE ORDER

Plaintiff Susan Small (“Plaintiff”), in her First Requests for Production of Documents to Defendant Food Lion, LLC (“Food Lion”), has requested Food Lion to produce the personnel files of Alisa Blasco, Brenda Brotherton, Jon Corriher, Brad Wirth, and Matt Gagnon, pursuant to Rule 34 of the Federal Rules of Civil Procedure. Food Lion has objected to these requests on the ground, among others, that the request seeks confidential information of third parties that would invade the privacy rights of those third parties.

Because of the parties’ desire to resolve this matter amicably between themselves, it is hereby stipulated and ordered that:

1. The personnel files of Alisa Blasco and Matt Gagnon and the documents contained therein maintained by Food Lion (“personnel documents”) produced to Plaintiff in the above-captioned matter, shall be considered “confidential” for purposes of this Order.
2. Defendant has objected to the production of the personnel records of Brenda Brotherton, Jon Corriher, and Brad Wirth, and the parties have not yet resolved this matter.

Once the matter is resolved and to the extent any such personnel records are produced, they shall be treated as set forth in this Order.

3. Personnel documents identified as confidential in accordance with Paragraph 1 or 2 will be used by Plaintiff and her attorney only in connection with this litigation including at trial if needed and/or any motions or appeal connected with this action. Plaintiff and her attorney may also disclose personnel documents designated as confidential to witnesses, independent experts, or consultants and their clerical personnel whose advice and consultation is being or will be used in connection with this action and/or any trial, motions or appeal connected with this action, or to the Court and its officers. Use or disclosure of personnel documents designated as confidential in accordance with Paragraph 3 shall not serve to waive confidentiality and/or the terms of this Protective Order, nor shall it waive any objection of Food Lion with respect to the admissibility, relevance, or other grounds for objection as to the document(s).

4. When a dispute arises as to the applicability of this Order to any personnel documents designated as confidential, such dispute shall be resolved, if possible, by agreement of the parties to this action. If, after a reasonable time, the parties cannot reach agreement to resolve such a dispute, the Court, on motion under either Rule 37(a) or Rule 26(c) of the Federal Rules of Civil Procedure by either party, will consider the dispute and rule accordingly.

5. This Order shall survive the termination of this action, to the extent that the information contained in the “confidential” documents is not or does not become known to the public, and the Court shall retain jurisdiction to resolve any dispute concerning the use of the information disclosed hereunder.

6. Upon termination of this case, Plaintiff’s counsel shall assemble and return to

Food Lion's counsel all medical records designated as confidential provided by Food Lion and/or third parties and all copies of same, or shall certify the destruction thereof.

7. This Agreement is binding as a contract and stipulation between the parties even without entry by the court as an Order.

8. Pursuant to the Pretrial Order and Case Management Plan, the ultimate disposition of protected materials shall be subject to a final order of the court on the completion of litigation.

CONSENTED TO:

/s/ Courtauld M. Young
Robert B. Meyer, Esq.
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Courtauld M. Young, Esq.
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ATTORNEY FOR PLAINTIFF

Signed: December 22, 2005

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

